

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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RICHARD L. STONE and KIRBY
McINERNEY LLP,

Plaintiffs

Docket No: 08-CV-5171

- against -

EDWARD T. JOYCE; EDWARD T. JOYCE &
ASSOCIATES, P.C.; PAUL M. WEISS; FREED &
WEISS, LLC; JOHN RANDY PATCHETT and
PATCHETT LAW OFFICE

Defendants

-----X

NOTICE OF MOTION

To: Peter S. Linden
Kirby McInerney LLP
830 Third Avenue, 10th Floor
New York, NY 10022

Thomas M. Mullaney
Law Office of Thomas M. Mullaney
708 Third Avenue, Suite 2500
New York, NY 10017

PLEASE TAKE NOTICE that Defendants Edward T. Joyce and Edward T. Joyce & Associates, P.C. upon their **Memorandum of Law in Support of their Motion to Dismiss pursuant to FRCP 12(b)(1)(2)(3) & (6) and upon the Declaration of Edward T. Joyce**, attached hereto, seek an order dismissing them in the above-referenced action.

Dated: July 21, 2008

Respectfully submitted,

Nisen & Elliott LLC,

BY: //s// Claire E. Gorman
Claire E. Gorman

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Michael Moirano (Admitted Pro Hac Vice)
Claire E. Gorman (Admitted Pro Hac Vice)
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Attorney No.

Attorneys for Defendants Edward T. Joyce and Edward T. Joyce & Associates, P.C.

CERTIFICATE OF SERVICE

The undersigned attorney, certifies that on July 21, 2008, she caused Defendants Edward T. Joyce and Edward T. Joyce & Associates, P.C. **Memorandum of Law in Support of their Motion to Dismiss pursuant to FRCP 12(b)(1)(2)(3) & (6) and upon the Declaration of Edward T. Joyce** to be served upon

Counsel for Plaintiff

Peter S. Linden
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Counsel for John Randy Patchett and Patchett Law Office.

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by electronically delivering a copy through the Court's CM/ECF filing system.

/s/ Claire E. Gorman